



DEPARTMENT OF TRANSPORTATION

MATERIALS TRANSPORTATION BUREAU

WASHINGTON, D.C. 20590

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Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION SUBCHAPTER N—DANGEROUS CARGOES

[Docket No. HM-129; Amdt.; CGD 74-276]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD CARGO VESSELS

Portable Tank Markings

The purpose of this amendment is to make the portable tank marking requirements for water transportation in 46 CFR 146.05-15(e)(1)(i) compatible with the portable tank marking requirements for land transportation in 49 CFR 173.401(a)(1).

Interested persons have been afforded an opportunity to participate in this rulemaking by notice of proposed rulemaking that was published in the *FEDERAL REGISTER* on January 29, 1975 (40 FR 4318) and by public hearing that was held on February 25, 1975. No oral presentations were made, however, five written comments were received. One comment indicated that the proposed marking change to 46 CFR is still inconsistent with the requirements of 49 CFR 173.401(a)(1). The change in 46 CFR by this amendment does not duplicate the requirements of 49 CFR, however, it does permit the use of letter heights of one-tenth the diameter of the tank as required by 49 CFR 173.401(a)(1). Another comment suggested a letter height of four inches for tanks over two feet in diameter and two inches for tanks under two feet in diameter. While this suggestion has merit, it is considered beyond the scope of the rulemaking because this amendment is intended only

to make the portable tank marking requirements for water shipment compatible with those for land shipment. Also, to incorporate such a marking change would result in further inconsistency with portable tank marking requirements for land shipment. Several comments recommended the adoption of the two-inch minimum letter height (regardless of tank diameter) proposed in Docket HM-103; Notice 73-10. This recommendation is not being incorporated in the amendment as it would result in further inconsistency with the present requirements of 49 CFR 173.401(a)(1).

Compliance with this amendment prior to the effective date is considered by the Bureau as compliance with existing regulations.

In consideration of the foregoing, Part 146 of Title 46 Code of Federal Regulations is amended as follows:

§ 146.05-15 [Amended].

Section 146.05-15 paragraph (e)(1)(i) is amended by striking the words "The height of all required lettering must be at least 2 inches or one-tenth the diameter of the tank (subject to a maximum of 5 inches), whichever is greater" and inserting the words "The height of all required lettering must be 2 inches or one-tenth the diameter of the tank, whichever is higher, but need not be higher than 5 inches" in place thereof.

Effective: December 31, 1975.

(46 U.S.C. 170(7), 49 CFR 1.53(f))

Issued in Washington, D.C., on November 3, 1975.

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[FR Doc. 75-29934 Filed 11-6-75; 8:45 am]